

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 10-00187-01-CR-W-ODS
	)	
ROBERT MONTGOMERY,	)	
	)	
Defendant.	)	

REPORT AND RECOMMENDATION

This matter is currently before the Court on defendant Montgomery's pro se Motion to Re-Present the Constitutional Defect to the Unlawful Indictment Against the Defendant (doc #134) and Motion to Dismiss for Lack of Subject-Matter Jurisdiction (doc #141). These two motions merely contain a rehashing of arguments previously made by defendant Montgomery. The undersigned has already rejected the arguments made in these two motions in prior reports and recommendations which reports and recommendations have been adopted by the District Court. Given that the pending motions present no new arguments, it is

RECOMMENDED that the Court after making an independent review of the record and applicable law, enter an order denying defendant Montgomery's Motion to Re-Present the Constitutional Defect to the Unlawful Indictment Against the Defendant (doc #134) and denying defendant Montgomery's Motion to Dismiss for Lack of Subject-Matter Jurisdiction (doc #141) .

The parties are reminded they have fourteen days from the date of receipt of a copy of this Report and Recommendation within which to file and serve objections to same. A failure to file and serve objections by this date shall bar an attack on appeal of the factual findings in this Report and Recommendation which are accepted or adopted by the district judge, except on the grounds of plain error or manifest injustice.

/s/ Sarah W. Hays  
SARAH W. HAYS  
UNITED STATES MAGISTRATE JUDGE